

OFFICE OF JUSTICE PROGRAMS STATE AND LOCAL DOMESTIC PREPAREDNESS GRANT PROGRAMS

EXECUTIVE SUMMARY

The Department of Justice administers grants to state and local agencies to enhance their ability to respond to terrorist acts. These domestic preparedness grant programs were initiated pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996, which tasked the Attorney General to work in consultation with the director of the Federal Emergency Management Agency to provide grants for specialized training and equipment to metropolitan fire and emergency service departments. In April 1998 the Attorney General delegated authority to the Office of Justice Programs (OJP) to administer \$12 million in fiscal year (FY) 1998¹ funds for grants to local responders. The grant program was implemented by OJP's Office for Domestic Preparedness (ODP). Through January 15, 2002, the ODP has awarded grants totaling about \$149 million — \$101.7 million to 257 grantees for equipment and \$47.1 million to 29 grantees for training.

We reviewed ODP operations through January 2002 and the grant amounts expended through September 2001. We also performed on-site reviews at 13 grantees and 3 training organizations, and analyzed responses to a questionnaire on the quality of training received.

In brief, we found that while the ODP has awarded about \$149 million for specialized equipment and training since inception of the program, grant funds were not awarded quickly, and grantees were very slow to spend available monies. As of January 15, 2002, more than half of the total funds appropriated for the grant program from FY 1998 through FY 2001 — \$141 million out of \$243 million — still had not been awarded. About \$65 million in grant funds awarded was still unspent. Also, we found that nearly \$1 million in equipment purchased with grants was unavailable for use because grantees did not properly distribute the equipment, could not locate it, or had been inadequately trained on how to operate it. Although, the grantees we contacted were satisfied with the overall quality of federally funded training, we found that the ODP had not developed performance measures for evaluating whether the program improved grantees' capability to respond to terrorist acts.

We made six recommendations to the Assistant Attorney General, OJP to: (1) continue with current efforts to ensure that states submit applications for funds from prior appropriations, and establish controls to

¹ Congress's first appropriation to the Department of Justice for domestic preparedness grants was made on November 26, 1997.

ensure that applications for future funding are submitted as expeditiously as possible; (2) establish controls to ensure grantees use available funds as quickly as possible; (3) ensure that grantees properly distribute and maintain specialized equipment, and obtain adequate training to operate it; (4) remedy \$870,899 in questioned costs for equipment that was unavailable or unusable; (5) ensure grantees conduct or participate in exercises to maintain their state of readiness; and (6) develop performance standards in keeping with the intent of the Government Performance Results Act for evaluating whether grant support is improving grantees' capability to respond to terrorist incidents.

The details of our work are contained in the Findings and Recommendations section of the report. Our audit objectives, scope, and methodology are contained in Appendix I.

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INTRODUCTION

Background

In its Fiscal Year (FY) 2000 Performance Report and FY 2002 Performance Plan, the Department of Justice (Department) recognized that the United States Government would never be able to prevent all acts of terrorism. Thus, the Department decided to focus on developing "maximum feasible capacity" — i.e., doing everything within its power to counter terrorist threats and minimize terrorist damage. This focus, which evolved in the wake of terrorist acts in the 1990's such as bombings of the Alfred P. Murrah Federal Building in Oklahoma City and at the Olympic Games in Atlanta, is crucial in light of the terrorist attacks that occurred on September 11, 2001.

On July 15, 1996, President Clinton signed Executive Order 13010 establishing the President's Commission on Critical Infrastructure Protection (Commission). The Commission was chartered to conduct a comprehensive review and recommend a national policy for protecting critical infrastructures and assuring their continued operation. In its October 1997 report, "Critical Foundations — Protecting America's Infrastructure," the Commission recognized that "...emergency services are generally ill-prepared to deal with chemical and biological attacks. Few 'First Responders' — fire fighters, police, and paramedics — are adequately trained to treat attack victims. Protective gear for first responders and equipment for decontamination are available but costly. Medical treatments, such as atropine, are in limited supply." Consequently, the Commission recommended that first responders receive additional equipment and training to identify, detect, and manage Weapons of Mass Destruction incidents.

Legislation supporting the Department's anti-terrorism efforts began with the Anti-Terrorism and Effective Death Penalty Act (Act) of 1996, which authorized: (1) the Office of Justice Programs (OJP) to undertake the Metropolitan Firefighter and Emergency Medical Services Program, (2) the expenditure of the Edward Byrne Memorial State and Local Law Enforcement Assistance Program funds for counter-terrorism purposes, and (3) the National Institute of Justice to undertake research and development in technologies to be used in counter-terrorism efforts. Pursuant to the Act the Attorney General was tasked to work in consultation with the director of the Federal Emergency Management Agency to make grants to provide specialized training and equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. The Department's appropriations for FY 1998 provided \$12 million for the OJP to initiate assistance program for local responders.

In April 1998, the Attorney General delegated authority to the OJP to provide grants to help state and local police and fire departments prepare for and respond to terrorist incidents. The Assistant Attorney General, OJP, subsequently established the Office for State and Local Domestic Preparedness Support (ODP) within OJP.²

The mission of the ODP is to develop and implement a national program to enhance the capability of state and local agencies to respond to domestic terrorism. The grants fund training and help purchase specialized equipment to respond to domestic terrorism involving weapons of mass destruction such as chemicals, biological agents, and radiological and explosive devices.

The ODP is organized along the following five functional areas: Office of the Director, State and Local Program Management Division, Training and Technical Assistance Division, Exercise Division, and The Center for Domestic Preparedness. A description of each area follows:

- The Office of the Director is responsible for the overall strategic direction, programmatic and policy development, and implementation of a national Domestic Preparedness Program.
- The State and Local Program Management Division serves as ODP's primary liaison point with the states. Division staff works with states to develop and implement their Three-Year Statewide Domestic Preparedness Strategic Plans, and manage the State Domestic Preparedness Equipment Program, which provides funds for the procurement of specialized response equipment. The Division also manages ODP's Pre-Positioned Equipment program, and provides specialized training on the calibration, use, and maintenance of Weapons of Mass Destruction response equipment.
- The Training and Technical Assistance Division administers the State and Local Domestic Preparedness Training and Technical Assistance Program. The program develops and delivers direct training and technical assistance to state and local jurisdictions to enhance their capacity and preparedness to respond to domestic incidents.
- The Exercises Division administers the State and Local Domestic Preparedness and National Exercise Programs. The Branch provides technical assistance to state and local jurisdictions on exercise planning and execution of state and local level exercises, and directs national-level terrorism response exercises.

² The Office for State and Local Domestic Preparedness Support was later renamed the Office for Domestic Preparedness.

- The Center for Domestic Preparedness (CDP), located in Anniston, AL, operates as an advanced field-training center for the ODP. The CDP provides hands-on specialized training to state and local emergency responders to manage and remediate incidents involving Weapons of Mass Destruction.

In October 1998, Congress directed the Attorney General to undertake a comprehensive assessment of the capabilities of state and local emergency response agencies to respond to incidents of domestic terrorism. The House report, which accompanied the Justice Department's Fiscal Year 1999 Appropriations Act, required the OJP to examine the requirements of state and local agencies to respond to incidents involving chemical and biological agents, radiological, nuclear, and explosive devices, and other Weapons of Mass Destruction.

In June 1999, the ODP issued the Phase I report of its study of state and local needs to respond to domestic terrorism involving Weapons of Mass Destruction. The report reviews prior needs assessments and related efforts regarding state and local preparedness for Weapons of Mass Destruction incidents.

In December 1999, the ODP issued the Phase II report of its study. This report was a more comprehensive and complete assessment that collected information from a demographically and geographically diverse set of communities and a greater variety of first responders. The studies indicated that each jurisdiction required an individual program to address its needs that, public health agencies must be incorporated into any preparedness program, and that basic familiarity with Weapons of Mass Destruction was needed to understand the importance of an integrated response.

By the end of fiscal year (FY) 2001, the ODP had awarded grants totaling about \$151 million³ to cities, counties, and states, and for other activities to support the national domestic preparedness program. At the time, the ODP had spent about \$8 million in operating costs, including the cost of site visits to grantees. Operating costs represented about 5.3 percent of total program costs.

The Department's FY 2000 – FY 2005 Strategic Plan includes the following strategy: *"Ensure domestic preparedness through training, assistance, and operational support."* The Department's primary program for implementing this strategy is administered by OJP through the ODP. Through a combination of federally funded training and technical assistance,

³ In addition to the \$149 million awarded for equipment and training, this amount includes funding for additional activities such as technical assistance programs, local fire and emergency services training, and the Nunn-Lugar-Domenici preparedness program.

equipment acquisition grants, and support for state and local exercise planning, the ODP's intent is to enhance the ability of state and local jurisdictions to mitigate the consequences of domestic terrorism.

Domestic Preparedness Grant Programs

The ODP has developed the following domestic preparedness grant programs to further its mission:

State and Local Domestic Preparedness Equipment Support Program (SLDPESP). Pursuant to the Anti-Terrorism and Effective Death Penalty Act of 1996, the Department worked with the Federal Emergency Management Agency to provide training and equipment grants to help metropolitan fire and emergency service departments respond to terrorist attacks. In FY 1998, Congress appropriated \$12 million for grants to state and local governments to acquire personal protective gear, chemical/biological detection equipment, decontamination facilities, and communications devices. The Attorney General delegated grant management to OJP, which established the ODP to administer the program. The Attorney General also assigned OJP the responsibility for coordinating course training and curriculum development. The OJP targeted the nation's 120 largest metropolitan jurisdictions that were eligible to apply for funding. During its first year, however, program funds were sufficient to permit grants to only 41 jurisdictions, which OJP selected according to its assessment of the grantees' vulnerability to terrorist attack.

County and Municipal Agency Domestic Preparedness Equipment Support Program. Under this program, OJP, in coordination with the National Domestic Preparedness Office (NDPO)⁴ (part of the Federal Bureau of Investigation (FBI)), provided funds to targeted jurisdictions for equipment purchases to improve their ability to respond to terrorist incidents. Beginning in FY 1998, the OJP initiated a limited equipment acquisition program that formed the basis for this equipment program. In addition to the \$12 million funded for the SLDPESP above, grants totaling about \$31 million were awarded through June 2001 to 156 of the nation's largest metropolitan jurisdictions. As part of OJP's first responder⁵ domestic preparedness initiative, a FY 1999 Emergency Supplemental Appropriations Act provided additional funding to assist state and local first responders. Congress authorized OJP to distribute FY 1999 funding to provide the

⁴ The NDPO coordinates federal government Weapons of Mass Destruction preparedness efforts aimed at enhancing state and local first responder capacity.

⁵ First responders are firefighters, law enforcement, emergency medical services, hazardous materials personnel, emergency managers, public health personnel, public works personnel and potentially many other officials.

maximum number of communities with a basic defensive capability to respond to domestic terrorism.

FY 1999 State Domestic Preparedness Equipment Program. Similar to FY 1998's SLDPESP, this program provided funding for communication devices, personal protective gear, decontamination facilities, and chemical, biological, and radiological detection equipment. However, unlike the SLDPESP, these grants were to be awarded to a state-level administrative agency in each of the 50 states. Receipt of funds was contingent on a state's submission of a needs assessment and a 3-year statewide domestic preparedness strategy (strategy). The needs assessment required each state to assess its equipment needs, first responder training, and other resources to respond to the use of Weapons of Mass Destruction. The needs assessment formed the basis of the strategy, which identified how each state would target grant funds received, and also provided OJP with information on how to target first responder training and other resources available through the ODP over the next 3 years. Congress appropriated about \$51.8 million for states under this program: \$8 million to support state planning efforts and \$43.8 million to support equipment purchases.

FY 2000 State Domestic Preparedness Equipment Program. Under this program, OJP, in coordination with the FBI's NDPO, provides financial assistance directly to states. Congress appropriated about \$72.5 million for states under this program: about \$700,000 to support state planning efforts and \$71.8 million to support equipment purchases. This program also provides assistance to the District of Columbia, Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and the Commonwealth of Puerto Rico. Receipt of program funds is contingent upon the submission of a grant application and the development of a needs assessment and a two-year strategy.

Training Sources

The National Domestic Preparedness Consortium (consortium) assists the OJP and ODP in the development, implementation, and delivery of training and situational exercises for emergency first responders. The consortium also assists in providing technical assistance to guide, advise, and share expertise and information required to make critical threat assessments and response planning decisions at the local responder levels. The consortium was formally organized on June 11, 1998. The following is a brief description of the consortium members and the types of training they provide:

- ***The Center for Domestic Preparedness (CDP).*** The CDP provides

hands-on specialized training to state and local emergency responders in the management and remediation of Weapons of Mass Destruction incidents. Located at the former home of the U.S. Army Chemical School, Fort McClellan, AL, the CDP conducts live chemical agent training for the nation's civilian emergency response community. As a division of the ODP, the CDP coordinates with other training programs in the ODP's Training and Technical Assistance Division, including procurement, property transfer, course development, and interagency agreements.

- ***Texas A&M University's National Emergency Response and Rescue Training Center.*** Texas A&M delivers a set of courses to prepare public officials, emergency medical services, law enforcement, fire protection, and public works for the threat posed by Weapons of Mass Destruction. Courses are developed and designed to provide each specific segment of the emergency response community with the tools needed to accomplish its role in the event of a Weapons of Mass Destruction incident. Additionally, Texas A&M has developed an Interactive Internet Weapons of Mass Destruction Awareness Course for emergency responders. Texas A&M also provides technical assistance to state and local jurisdictions in the development of Weapons of Mass Destruction assessment plans.
- ***New Mexico Institute of Mining and Technology (NMIMT), National Energetic Materials Research and Testing Center.*** The NMIMT offers live explosive training including the use of field exercises and classroom instruction. It is the lead consortium partner for explosives and firearms, live explosives, and incendiary devices training.
- ***Louisiana State University (LSU) Academy of Counter-Terrorist Education.*** LSU provides training to law enforcement agencies and focuses its efforts on the delivery of two courses: (1) *Emergency Response to Terrorism: Basic Concepts for Law Enforcement*, and (2) *Emergency Response to Domestic Biological Incidents*.
- ***U.S. Department of Energy's Nevada Test Site National Exercise, Test, and Training Center (NTS).*** The NTS conducts large-scale field exercises using a wide range of live agent stimulants as well as explosives. It also develops and delivers a Radiological/Nuclear Agents Course. In coordination with the ODP, the NTS is establishing the Center for Exercise Excellence (Center). The Center will allow the NTS to train jurisdictions in the planning and

conduct of exercises tailored to the unique threats faced by participating jurisdictions. The Center will provide a new component of the overall exercise training program, meeting those special exercise needs as the state and local jurisdictions define their priorities.

Additionally, the ODP provides training and technical assistance through its work with the U.S. Army's Pine Bluff, Arsenal, the Metropolitan Fire Fighters and Emergency Medical Services Program, the National Sheriff's Association, and other public and private organizations.

Prior Related Audit Reports and Congressional Testimony

The General Accounting Office (GAO) issued a letter report, GAO/NSIAD-99-3, on November 12, 1998, entitled *Combating Terrorism: Opportunities To Improve Domestic Preparedness Program Focus and Efficiency*. The report, which focused on assistance provided by the Department of Defense (DOD) to local agencies, indicated that DOD's assistance was well received by local agencies, but that anti-terrorism efforts overall were fragmented and could be made more efficient.

The GAO issued a second letter report, GAO/NSIAD-00-64, on March 21, 2000, entitled *Combating Terrorism: Need to Eliminate Duplicate Federal Weapons of Mass Destruction Training*. The report focused on federal providers, coordination of training, and ways to improve the federal government's role in training to respond to Weapons of Mass Destruction. Similar to findings in its 1998 report, GAO indicated that training programs were not well coordinated. In response to requests from the first responder community, the Department established the National Domestic Preparedness Office, which provides an interagency forum for coordinating federal assistance to state and local emergency responders.

GAO officials testified before the House Committee on Transportation and Infrastructure's Subcommittee on Oversight, Investigations, and Emergency Management on April 6, 2000, that a major deficiency in federal efforts to combat terrorism was the lack of linkage between the terrorist threat, a national strategy, and agency resources. The GAO stated that the multitude of federal assistance programs had led to confusion on the part of state and local officials. However, the GAO stated that the National Domestic Preparedness Office was designed to provide "one stop shopping" to state and local officials who needed assistance.

FINDINGS AND RECOMMENDATIONS

IMPROVEMENTS ARE NEEDED TO ENSURE PROGRAM FUNDS ARE USED TIMELY AND EFFECTIVELY

We found that ODP grant program funds were not awarded promptly and grantees did not spend funds within a reasonable time after the funds were awarded. As of January 15, 2002, over \$141 million of the \$243 million in funds appropriated for equipment from FY 1998 through FY 2001 had not been awarded. Furthermore, about \$65 million in grant funds awarded to grantees was unspent. Also, nearly \$1 million in equipment purchased by the grantees was unavailable for use because grantees did not properly distribute the equipment, could not locate it, or had been inadequately trained on how to operate it. Two grantees we reviewed had not participated in or conducted exercises in which their readiness could be assessed. We also found that the ODP had not developed methods and standards in accordance with the Government Performance and Results Act for evaluating whether federal support improved grantees' capability to respond to terrorist incidents.

Award and Expenditure of Grant Funds

We examined grants awarded and expended from FY 1998 through January 15, 2002. The ODP awarded funds after reviewing an applicant's existing resources and their narratives explaining their potential as targets of terrorism. On the basis of our review of applications, we determined that the ODP's grant award decisions for equipment were consistent with the ODP's published criteria. Also, by the end of FY 2001, the ODP's administrative costs were \$8 million. In our judgment, this amount was reasonable, as it represented only 5.3 percent of total program costs of about \$151 million in awards to cities, counties, and states, and for other domestic preparedness activities.

However, we found that the ODP did not award grant funds until 7 to 29 months after they were appropriated. As of January 15, 2002, only \$4.9 million of the \$72.5 million in FY 2000 funds were awarded, and only about \$2.9 million of the \$75.7 million in FY 2001 funds had been awarded. This occurred in part because of delays by states in addressing a Congressional requirement for each state to develop a comprehensive state-level domestic preparedness plan. The ODP did not set a deadline for submission of the state plans.

In addition, we found that of \$101.7 million awarded, only \$36.7 million or 36 percent had been spent by grantees, leaving an unexpended balance of about \$65 million. Among the grantees with the largest unexpended balances were those that served some of the most populous metropolitan areas in the country -- New York City, Chicago, and Detroit.

The appropriations, grant amounts, dates awarded, and expenditures for the ODP's Equipment Grant Programs are summarized in the table below:

Appropriations, Awards and Unexpended Funds for Equipment

	Date Appropriated	Amount Appropriated	Date(s) of Awards	Amount Awarded⁶	Amount unexpended⁷
FY 1998	11/26/97	\$ 12,000,000	10/1/98	\$ 11,852,557	\$ 984,448
FY 1999	10/21/98	\$ 82,800,000	6/10/99 – 4/1/01	\$ 81,993,242	\$ 56,158,077
FY 2000	11/29/99	\$ 72,525,000	10/1/99 – 9/19/01	\$ 4,910,370	\$ 4,849,935
FY 2001	12/21/00	\$ 75,726,000	7/1/01 – 11/1/01	\$ 2,964,700	\$ 2,964,700
Total		\$243,051,000		\$ 101,720,869	\$ 64,957,160

Source: Office of Justice Programs

Details of the awards and expenditures for each year, and explanations for the award dates, follow:

FY 1998: Public Law 105-119, enacted November 26, 1997, appropriated \$32.7 million for counter-terrorism. Of this amount, \$12 million was designated for local agencies to purchase specialized equipment under the State and Domestic Preparedness Equipment Support Program. The Department did not award any funds to local agencies until October 1998 because grantmaking authority was not given to OJP until April 1998. After OJP established the ODP to administer the grants, it then took five months to contact potential grantees, review applications, and award the funds.

⁶ ODP data as of 1/15/02.

⁷ Data based on grantees' latest Financial Status reports, quarter ending 9/30/01, due at OJP on November 14, 2001.

As noted in the table above, grantees were slow to spend their grant money. Reasons given by grantees were local “red tape,” which made purchasing difficult, and backlogs at suppliers. As of January 15, 2002, Financial Status Reports (FSRs) submitted by grantees indicated that approximately \$1 million of the \$11.9 million in FY 1998 funds awarded still had not been spent.

FY 1999: Public Law 105-277, signed on October 21, 1998, provided about \$43.8 million and \$31 million for grants to states and municipalities, respectively, to purchase equipment. An additional \$8 million was available for grants to the states for planning. Again, we found that the ODP failed to dispense the funds in a timely manner. The start of the award periods ranged from 7 to 29 months after the funds were appropriated. This occurred in part because of delays in addressing a congressional requirement for each state to develop a comprehensive state-level domestic preparedness plan, and for OJP to submit to the Committees on Appropriations, no later than June 1, 1999, a plan for distributing FY 1999 funding. In the interim, the ODP developed the “FY 1999 State Program Guidelines and Application Kit” and the “Assessment and Strategy Development Tool Kit.” Once the program was developed, the plan was sent from OJP to the Justice Management Division and the Office of Management and Budget, and then to Congress. Although Congress established the requirement for state plans, the ODP did not establish a deadline for states to submit plans. A grants management official also told us that once applications were submitted, the ODP had to contact grantees to obtain missing documentation, clarify application entries, and revise equipment lists.

As with the FY 1998 monies, grantees did not spend available funds promptly. According to the FSRs submitted as of January 15, 2002, more than \$56 million of the \$82 million awarded had not been spent – \$9.4 million available to counties and municipal agencies and \$46.7 million available to states.

FY 2000: Public Law 106-113, signed on November 29, 1999, appropriated \$72.5 million for equipment purchases under the FY 2000 State Domestic Preparedness Equipment Program. As of January 15, 2002, OJP had awarded only six grants, totaling \$4.9 million. According to an ODP grants management official, awards were not made quickly because congressional staff approval for offering grants to states were not approved until February 2000, and approval for offering grants to the territories was not approved until August 2000. As with the FY 1999 State Domestic Preparedness Program, states were required to submit a needs assessment and a three-year statewide strategy, and this further delayed the grant award process. Also, of the \$4.9 million awarded, only about \$60,000 had

been expended as of September 30, 2001.

FY 2001: Public Law 106-533, signed on December 21, 2000, appropriated \$75.7 million. As of January 15, 2002, only about \$3 million had been awarded because only three states had submitted applications.

To determine the reasons for the states' delays in submitting their applications, we spoke to the ODP Branch Chief. The Branch Chief said that the states were using the funds made available for planning to assess their needs and develop a 3-year strategic plan. The FY 1999 equipment funds can be allocated to local jurisdictions by the state administrative agency designated by the Governor to apply for and administer these funds immediately without obtaining the results of the assessments or completing the strategic plan. However, states cannot apply for FY 2000 or 2001 funding without first completing the assessments and the strategic plans. When the states complete these requirements they can apply for funding for both fiscal years using a single solicitation. Public Law 106-553 authorized the single solicitation that combines both fiscal years. Shortly after the September 11, 2001, attacks on the World Trade Center and the Pentagon, the Attorney General sent a letter to state governors urging them to complete their state needs assessments and statewide strategy plans as soon as possible, but no later than December 15, 2001. The letter also offered assistance from the ODP. According to ODP staff, the letter resulted in 42 states submitting their strategic plans. Of the 42 states, 34 strategic plans have been approved, 4 are pending approval, and the ODP needs additional information from the remaining 4.

The immediate consequence of delays in awarding grants and spending funds is that grantees do not increase their capability for responding to terrorist acts as adequately as they could have if the grants had been disbursed and the money used for its intended purpose. An ODP Branch Chief commented that the ODP encourages grantees to make purchases as soon as possible and provides equipment lists to speed up the acquisition process. The ODP also has interagency agreements with the Defense Logistics Agency and the Marine Corps Systems Command, both of which can requisition equipment and have it delivered to the grantee. Grantees are encouraged but not required to use these services.

The ODP Branch Chief also commented that local politics often slow the purchase process because firefighter, law enforcement, emergency medical, and emergency management officials in a jurisdiction must reach a consensus on any changes to the equipment list.⁸ The ODP requires such involvement to ensure that grant funds benefit all public safety disciplines

⁸ Our audit work did, in fact, indicate that local "red tape" could make purchasing difficult. For example, city officials in New York, Chicago, and Detroit told us of problems with obtaining accounting codes or approval from the city council, and in dealing with a time-consuming procurement process.

within a jurisdiction. The official said this may slow the purchasing process, but it ensures consistency and standardization across a jurisdiction and prevents buying equipment that will not be used or placed within an agency that is not equipped to handle it.

The ODP Branch Chief also said that ODP program managers review grantee expenditures monthly. If it appears a grantee is unable to spend its grant funds within the period allowed by the grant, ODP program managers extend the grant period. The ODP's program managers also oversee grantee activity by conducting site-monitoring visits. According to the ODP Branch Chief, the ODP's program managers plan one or two monitoring visits per month for local jurisdiction equipment grants.

In our judgment, the ODP's monitoring controls were insufficient to ensure that grantees spent grant funds promptly. In view of the urgency of the need to respond effectively to terrorist attack, the ODP needs to implement more aggressive measures to assist grantees in using available funds - such as setting timeframes and holding the grantee accountable for delays in using available funds.

Equipment

Program funds may be used to purchase equipment for communications, personal protection, and chemical, biological, and radiological detection. For the FY 1999 program, the equipment purchased had to be on the FY 1999 Authorized Equipment Purchase List⁹. In addition, training in the use of the equipment was available from the ODP or from the manufacturer.

We reviewed on site 13 grantees, who spent most of their grant and who represented a nationwide sample. We found that grant funds were used to purchase equipment consisting primarily of communication devices, personal protective gear, monitoring devices, decontamination kits, and detection equipment. However, some equipment items purchased by 11 of the 13 grantees would have been unusable in the event of a terrorist attack. Four grantees kept equipment in storage rather than distributing the items to locations needing them. Those grantees included Dallas County, TX; Westchester County, NY; Memphis, TN, and the Massachusetts Emergency Management Agency, Middlesex County. A Dallas County official told us the items were stored in the Fire Marshal's office and would remain there until all equipment was received and personnel were trained on their use. An

⁹ The authorized equipment purchase list was derived from the Standardized Equipment List (SEL), which was developed by the Interagency Board (IAB) for equipment Standardization and Interoperability. IAB compiled the SEL on behalf of the National Domestic Preparedness Office to determine what types of equipment are available to terrorist-incident emergency response teams.

official for Westchester County, NY, stated the equipment was not fully distributed throughout the county because a distribution plan was still being finalized. Memphis, TN, was waiting for the delivery of additional equipment and officials said they preferred to have all equipment in before distributing any equipment to one unit and not another. Officials from the Westford Fire Department, Middlesex County, said they were awaiting training on the stored equipment prior to distribution to the area fire departments. Six grantees were unable to locate equipment that had been stored.¹⁰ At three locations, grantee staff had not been trained on how to operate the equipment. At one location, the grantee determined the equipment was outdated and discarded, but did not replace it.

The chart on the following page summarizes the grantees, dollar amount awarded, dollar value of the unusable equipment (amount questioned), and the reason the equipment was unusable as of the conclusion of our work on site. See Appendix IV for the listing of types of equipment that was unusable. We questioned the \$870,899 in funds used to pay for the equipment.

¹⁰ After our on-site reviews at Cobb County and Hillsborough County, grantee staff told us they found the missing equipment. However, this was not verified by the OIG.

UNUSABLE EQUIPMENT PURCHASES

Grantee	Amount Awarded	Amount Questioned	Reason Equipment Unusable
Dallas County, TX	\$ 300,000	\$ 299,728	Items not distributed to locations needing them.
Westchester County, NY	\$ 550,000	\$ 238,165	Items not distributed to locations needing them.
Memphis, TN	\$ 199,853	\$ 137,487	Items not distributed to locations needing them.
MA Emergency Management Agency, Middlesex	\$ 299,665	\$ 101,738	Items not distributed to locations needing them.
Wayne County, MI	\$ 300,000	\$ 55,330	Equipment missing, or staff unable to operate.
Clark County, NV	\$ 400,000	\$ 32,572	Equipment missing, or staff unable to operate.
Hillsborough County, FL	\$ 250,000	\$ 2,674	Equipment not delivered by vendor, or missing.
Detroit, MI	\$ 500,000	\$ 1,255	Equipment missing.
Tarrant County, TX	\$ 500,000	\$ 1,132	Equipment outdated and discarded.
Fairfax County, VA	\$ 249,759	\$ 746	Equipment missing.
Cobb County, GA	\$ 113,384	\$ 72	Equipment missing.
Total	\$ 3,662,661	\$ 870,899	

Source: Office of the Inspector General

Training

We reviewed 3 training providers on-site and analyzed replies to questionnaires regarding the quality of training sent to 156 grantees. The three training providers we reviewed on-site were the CDP at Fort McClellan, AL; Community Research Associates (CRA) in Champaign, IL and Nashville, TN; and Texas A&M University's National Emergency Response and Rescue Training Center. The survey covered the training providers we reviewed on-site as well as training conducted by LSU, NMIMT, Pine Bluff Arsenal (PBA), and the NTS.

We found that the ODP had not established standards for measuring the CRA's and Texas A&M's performance under their agreements.¹¹ Without such standards, we could not readily determine whether the activities planned or completed by the CRA or Texas A&M met the objectives in their

¹¹ The CDP was reviewed during the survey phase as a component of ODP, unlike CRA and Texas A&M who are grant recipients.

agreements.

We mailed survey questionnaires to 147 grantees, and we personally distributed survey questionnaires at 9 of the 13 grantees¹² we reviewed on-site, thereby covering all 156 grantees. Some grantees duplicated and distributed the survey questionnaire among their staff, resulting in a total of 168 responses.

The survey consisted of 19 questions covering 5 areas in which grantees numerically rated the quality of training received. The scores for the questions in those five areas were averaged, by provider, on the chart on the following page. In addition, the survey included a section in which grantees wrote narratives describing the overall value of the courses taken, course strengths, and course weaknesses. A summary of the narrative responses, by provider, is found at Appendix III.

¹² This was not done at Cobb County, GA; Fulton County, GA; Hillsborough County, FL; and Memphis, TN. These audit sites were reviewed during the survey phase, which preceded the development of the training survey. Therefore, we sent them the survey during the verification phase.

SURVEY QUESTIONNAIRE RESULTS, AVERAGED BY PROVIDER

Availability of Classes/Training Site	CDP	CRA	LSU	NMIMT	NTS	PBA	TX A&M
Ease of registration process	4.5	4.6	4.8	4.5	4.0	4.8	4.5
Availability of course when needed	4.4	4.6	4.6	4.4	3.6	4.8	4.1
Convenience of training site to the workplace	3.7	4.6	4.6	3.3	2.6	4.9	4.1
The Instructor(s)							
Knowledge of the subject matter	4.7	5.0	4.4	5.0	4.1	4.9	4.6
Preparedness and organization	4.6	5.0	4.4	4.8	4.6	5.0	4.4
Ability to explain concepts and present materials	4.5	5.0	4.2	4.8	4.1	4.9	4.3
Ability to answer questions	4.5	5.0	4.4	4.9	4.3	4.9	4.4
Course Materials							
Quality of printed materials and visuals	4.4	4.4	4.6	4.7	4.6	4.8	4.6
Simulations used in demonstrations/exercises	4.3	4.7	4.5	5.0	4.1	4.6	4.5
Course Content							
Achievement of course objectives	4.5	4.6	4.2	4.6	3.3	4.8	4.3
Relevance to the grantee's needs	4.3	4.4	4.6	4.5	3.0	4.9	4.6
Appropriateness of content to the grantee staff's level of experience/understanding	4.2	4.3	3.8	4.6	2.7	4.8	4.3
Overall effectiveness of hands-on activities	4.2	4.0	4.3	4.6	3.6	4.4	4.1
Appropriateness of course length	4.2	4.3	3.8	4.3	4.0	4.1	4.3
Overall Assessment							
Overall assessment of the class and course content	4.5	4.6	4.4	4.7	3.4	4.9	4.3
Willingness to recommend the course to others	4.5	4.9	4.4	4.7	3.3	4.9	4.3
Level of preparedness, prior to the class, to address a domestic terrorism emergency	3.5	2.7	4.6	3.5	3.6	4.0	3.6
Level of preparedness, after taking the class, to address a domestic terrorism emergency	4.3	4.3	4.8	4.3	3.9	4.4	4.3
How well the course met the grantee's objective	4.3	4.6	4.0	4.7	3.4	4.8	4.3

Source: Replies to questionnaires sent to grantees

Rating scale

- 0 = don't know
- 1 = poor
- 2 = fair
- 3 = neutral
- 4 = good
- 5 = excellent

The grantees answered the survey questions using a rating scale of zero to five points. Overall, grantees were satisfied with the quality of training received from the seven providers. Scores ranged from 3.4 points to 4.9 points on the overall assessments of the classes and course content. In addition, all grantees rated themselves higher on their level of preparedness after taking the classes, with increases in scores ranging from

0.2 points to 1.6 points.

We asked the grantees to identify the greatest strengths of the courses. Examples included: (1) knowledgeable instructors, (2) good presentations, (3) hands-on scenarios, and (4) gain of a greater awareness of various types of weapons of mass destruction, including chemical and biological threats. In particular, grantees said that the different types of live demonstrations provided were especially effective in preparing them for an incident of domestic terrorism. We also asked them to list the most significant weakness of the courses. Examples included: (1) more field training is needed, (2) more actual case studies should be reviewed, (3) the courses should be lengthened, (4) the target student base should be more focused, and (5) courses should be offered more often.

Readiness Assessments

One of the goals of the ODP is to provide support to grantees through exercise direction and planning to help them prepare for actual terrorist acts. The ODP's Phase I report submitted to Congress June 1999 concluded that frequent, practical exercises involving the integration of all first responders are critical elements for Weapons of Mass Destruction preparedness. However, funding shortages often prevented exercises by local jurisdictions. Of the 13 grantees we reviewed on-site, 2 (Cobb County, GA, and Memphis, TN) had neither participated in nor conducted exercises in which assessments could be made of their ability to respond to terrorist incidents. A Cobb County official stated they had not conducted any exercises but were planning to do so in the near future. The Memphis, TN, official stated that an assessment should not be the only basis for measuring preparedness. He said that response agencies get the chance to use much of the equipment that would be used in a terrorist incident during their regular response calls. He indicated that exercises would be conducted in the near future.

Compliance with the Government Performance and Results Act (GPRA)

The GPRA requires federal agencies to develop a strategic plan that identifies agencies' long-term goals, and annual performance plans that identify the measurable performance goals that agencies will accomplish each year. We found that the ODP's performance plan indicators included the number of law enforcement officers and trainers trained, and the number of first responder teams provided basic and advanced level of equipment through grants. However, the ODP had not developed methods and standards for evaluating whether the support provided to communities actually improved their capacity to respond to terrorist incidents. Without such measurements, it is impossible to determine the extent to which program goals are actually being achieved.

The ODP has advised the OIG that they launched a strategic planning initiative, based on the GPRA, in October 2001. The resulting Strategic Plan and Communication Plan will be finalized in February 2002, and an interim statement of the ODP's Strategic Direction is in the process of being finalized.

Conclusion

The ODP's assistance has resulted in substantial increases in the level of equipment and training available to state and local governments. As of January 15, 2002, grantees spent a total of \$36.7 million. However, over \$141 million in appropriated funds from FY 1998 through FY 2001 had not been awarded. This occurred in part to delays in addressing a Congressional requirement for each state to develop a comprehensive state-level domestic preparedness plan, and because the ODP did not set a deadline for submission of the state plans. To remedy this, the Attorney General wrote to state governors requesting they submit their state needs assessments and statewide strategic plans no later than December 15, 2001. In addition, we found that grantees had not yet spent about \$65 million that had been awarded. Delays in spending could hurt the ability of state and local entities to respond to terrorist attacks. In our judgment, more aggressive oversight and guidance by the ODP could help ensure that grantees make full use of available federal funds. We also found discrepancies that could adversely affect the response capability of 11 of the 13 grantees we reviewed. About \$871,000 in equipment purchased was unusable because grantee staff could not locate the items in their inventory, had not distributed the items to the locations where they were needed, or were inadequately trained on its operation. In addition, two of the grantees we reviewed had not conducted or participated in exercises in which their readiness for a terrorist incident involving Weapons of Mass Destruction could be assessed. Finally, the ODP had not established performance measures, in keeping with the intent of the GPRA, to assess the capability of agencies to respond effectively to terrorist acts.

Recommendations

We recommend the Assistant Attorney General, OJP:

1. Continue with current efforts to ensure that states submit applications for funds from prior appropriations, and establish controls to ensure that applications for future funding are submitted as expeditiously as possible. Controls could include application deadlines and follow-up on late submissions.

2. Establish controls to ensure grantees use available funds as quickly as possible, such as setting timeframes for spending the funds and holding grantees accountable for delays.
3. Ensure that grantees properly distribute and maintain specialized equipment, and obtain adequate training to operate it.
4. Remedy \$870,899 in questioned costs for equipment that was unavailable or unusable.¹³
5. Ensure grantees conduct or participate in exercises to maintain their state of readiness.
6. Develop performance standards in keeping with the intent of the GPRA for evaluating whether grant support is improving grantees' capability to respond to terrorist incidents.

¹³ Questioned costs may be remedied by offset, waiver, recovery of funds, or the provision of supporting documentation.

OTHER MATTERS

The purpose of this section is to bring to the attention of ODP management other matters that we noted during the audit. These matters are not part of the audit report's Findings and Recommendations section because they are not directly related to the audit objectives or are less significant. Thus, no response is necessary since this section is for informational purposes only.

Equipment Lists. Inventory lists maintained by 2 of the 13 grantees we reviewed on-site were incorrect. At one grantee (Detroit, MI) 1,130 items totaling \$158,029 were at locations other than those indicated on the inventory list. Another grantee's (Clark County, NV) inventory list did not include a "date received" column, and we found discrepancies in the number of items distributed to the agency utilizing the equipment. However, the total number of items received was correct. Property records should include the identification number and the location of the equipment. A control system should be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property.

End Dates of Grant. One grantee (Detroit, MI) exceeded the award period by 10 months. The award end date was March 31, 2000, but purchase orders we reviewed were dated May 10, 2000, and June 21, 2000. Funds were not reimbursed to the grantee until January 12, 2001. This occurred because the ODP did not respond in writing to the grantee to confirm or deny its requests. The grantee had notified the ODP verbally and confirmed the changes in writing. However, we did not find any grant adjustment notices or letters of confirmation from the ODP to the grantee to authorize the changes.

STATEMENT ON MANAGEMENT CONTROLS

In planning and performing our audit, we considered the ODP's management controls for the purpose of determining our auditing procedures. This evaluation was not made for the purpose of providing assurance on the ODP's management controls as a whole. We noted, however, certain matters that we consider to be reportable conditions under Government Auditing Standards.

Reportable conditions involve matters coming to our attention relating to significant deficiencies in the design or operation of management controls that, in our judgment, could adversely affect the ODP's ability to effectively manage the program. As discussed in the Findings and Recommendations section of this report, we found that: (1) grants were not awarded and spent promptly; (2) federally funded equipment at 11 grantees was not properly distributed, was missing, or their users were not adequately trained on their operation; (3) two grantees had not conducted readiness assessments; and (4) the ODP had not established performance measures in keeping with the intent of the Government Performance and Results Act. Also, as discussed in the OTHER MATTERS section, we noted that inventory lists at two grantees were incorrect and one grantee had exceeded the end date of its grant.

Because we are not expressing an opinion of the ODP's management controls as a whole, this statement is intended solely for the information and use of the ODP in managing the program. This restriction is not intended to limit the distribution of this report, which is a matter of public record.

STATEMENT ON COMPLIANCE WITH LAWS AND REGULATIONS

We have audited the ODP's grant programs for assisting grantees to prepare for acts of domestic terrorism. The audit covered the period October 1997 through January 2002, and included a review of selected grantees and training providers. The audit was conducted in accordance with generally accepted Government Auditing Standards.

In connection with the audit and as required by the standards, we reviewed procedures, activities, and records to obtain reasonable assurance about the ODP's compliance with laws and regulations that, if not complied with, we believe could have a material effect on the program operations. Compliance with laws and regulations applicable to the program is the responsibility of the program's management.

Our audit included examining, on a test basis, evidence about laws and regulations. The specific laws for which we conducted tests are contained in:

- Public Law 105-119, U.S. Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Acts of 1998;
- Public Law 105-277, Making Omnibus Consolidated and Emergency Supplemental Appropriations for Fiscal Year 1999, U.S. Departments of Commerce and Related Agencies Appropriations Act for FY 1999;
- Public Law 106-113, U.S. Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, FY 2000; and the
- Government Performance and Results Act of 1993.

Except for instances of non-compliance identified in the Findings and Recommendations section of this report, the ODP complied with the laws cited above. With respect to those transactions not tested, nothing came to our attention that caused us to believe that the ODP was not in compliance with the referenced laws.

APPENDIX I

OBJECTIVES, SCOPE, AND METHODOLOGY

We performed our audit in accordance with Government Auditing Standards and, accordingly, included such tests of the records and procedures, as we deemed necessary. Our objectives were to determine whether: (1) the level of support given to grantees was appropriate, (2) funds awarded were used for their intended purpose, (3) Program administrative costs were reasonable, and (4) the Department complied with Government Performance and Results Act requirements as they relate to the Office of Domestic Preparedness (ODP).

We reviewed applicable federal laws and regulations, the ODP's directives and reports, and other documents related to preparing grantees to respond to domestic terrorism. We also interviewed the ODP's headquarters officials.

To determine the effectiveness of the ODP's grant program, we reviewed ODP operations through January 2002, and the grant amounts expended through September 2001. We also performed on-site reviews at 13 grantees that were located nationwide and had spent significant portions of their grants. In addition, we reviewed 3 training providers on-site whose funding was significant and whose classes were representative of a variety of training courses. On this basis, we selected the locations listed below for on site reviews:

State and Local Grantees

City of Memphis, Tennessee
Wayne County, Michigan
Massachusetts Emergency Management
Agency (Middlesex), Massachusetts
Clark County, Nevada
Fulton County, Georgia
City of Detroit, Michigan
Hillsborough County Board of Commissioners, Florida
San Mateo County Board of Supervisors, California
Fairfax County, Virginia
Westchester County, New York
Dallas County Judge, Texas
Tarrant County, Texas
Cobb County, Georgia

At each location, we reviewed grant data, determine what contacts grantee officials had with the ODP, reviewed items purchased with grant funds, discussed staff training, and reviewed documentation on the grantees' participation in exercises.

Training Providers Reviewed On-Site

The Center for Domestic Preparedness -- Ft. McClellan, AL.
Community Research Associates -- Champagne, IL and Nashville, TN.
Texas A & M University's National Emergency Response and Rescue Training Center -- Union Station, TX

At each location reviewed, we: (1) examined accounting records, personnel costs, fringe benefit costs, other direct costs, inventory, and indirect costs; and (2) reviewed the activities outlined in the grant application or planned by the grantee for meeting the grant objectives.

Survey Questionnaire

To assess the satisfaction of grantees with the quality of federally funded training received, we issued questionnaires to grantee staff at each of the 9 grantees we reviewed on-site, and sent questionnaires to all of the remaining 147 grantees (*see footnote number 3*). The questionnaires covered the:

- availability of classes and the convenience of training sites;
- instructors' knowledge and preparedness for class;
- quality of course materials and any simulations or live demonstrations used;
- course content, achievement of course objectives, and strengths and weakness of the course; and
- overall assessment of the class and the grantee's level of preparedness prior to and after taking the class.

APPENDIX II

SCHEDULE OF DOLLAR-RELATED FINDINGS

QUESTIONED COSTS¹⁴	AMOUNT	
PAGE		
Unusable Equipment	\$870,899	13

¹⁴ **QUESTIONED COSTS** are defined as expenses incurred that do not comply with law or other official requirements, or are unsupported by adequate documentation, or are unnecessary or unreasonable for the intended purpose. They can be recoverable or non-recoverable.

APPENDIX III

SUMMARY OF TRAINING SURVEY NARRATIVE RESPONSES, BY PROVIDER

The following summary lists the benefits, strengths, and weaknesses of each of the training providers, as cited by the respondents to our survey questionnaire. This information, and data on the chart on page 12 of this report, may be useful to the ODP and the training providers in planning future classes.

Center for Disaster Preparedness (71 respondents)

Overall Benefits

- Increased awareness of the threat of terrorism and methods of delivery.
- Better understanding of the properties and effects of nerve agents.
- Knowledge of what is required of first responders in entering a contaminated area, and about equipment needed to survive contamination agents.
- Knowledge of decontamination skills and how to deal with unconscious patients.
- Knowledge of how to prepare for secondary devices.

Greatest Strengths

- Courses very well set up, thought out, planned, and organized.
- Excellent practical exercises, simulations, tabletop exercises.
- Knowledgeable staff, high quality of presentation.
- Hands-on, live agent training.
- Use of audiovisuals.
- Professional treatment of students.
- Diversity of students.

Significant Weaknesses

- Classes too long.
- Training dates limited.
- Facilities not accessible.
- Content too technical.

- Not all instructors uniformly knowledgeable.
- Tactics/strategy/background work not covered sufficiently.

Additional Comments

- Course resulted in increased knowledge and ability.
- Course improved confidence level for operating in and surviving a deadly environment.
- Attendance results in better preparedness to respond to terrorist attack.
- Course is recommend for others – all police and firefighters should attend.
- Provided good background on Middle East conflict.

Community Research Associates (9 respondents)

Overall Benefits

- Greater level of awareness and appreciation of dangers of weapons of mass destruction.
- Better ability to recognize weapons of mass destruction.
- Knowledge of when and when not to decontaminate exposed individuals.
- Better ability to work with a team to identify and control situations.

Greatest Strengths

- Good introduction to terrorism concept.
- Good information on types of chemicals and biological threats.
- Knowledgeable instructor.

Significant Weaknesses

- Need more information on detection of biological agents.
- Need more field training and actual case studies.

Additional Comments

- Very impressed with instructor's presentation and desire to share with the class.

Louisiana State University (5 respondents)

Overall Benefits

- Greater awareness on preparation for weapons of mass destruction.

Greatest Strengths

- Knowledgeable instructors.
- Use of video trainers.

Significant Weaknesses

- Course too basic.
- Video trainer should be longer and more complex.
- Needs discussion of force protection/support to fire service security.

Additional Comments

None.

New Mexico Institute of Mining and Technology (51 respondents)

Overall Benefits

- Improved ability to respond to incidents.
- Greater confidence in entering an area where there is a live agent.
- Increased knowledge of types, properties, and capabilities of explosives.
- Better investigation and isolation skills.

Greatest Strengths

- Training materials, instructors, and facilities.
- Good overview of agents.
- Live demonstrations and hands-on training.
- Use of case studies.
- Inclusion of scientific explanations.
- Use of meter and testing equipment.

Significant Weaknesses

- Course should be longer and larger.

- More time needed on emergency medical services.
- Some instruction time was used for story telling rather than instruction.
- Cost of travel is questionable since special facilities not needed.

Additional Comments

- Excellent overall.
- Well-organized.
- Course could be consolidated with CDP course to reduce travel cost.
- Would recommend course to others.
- Instructor should visit other grantees.

Nevada Test Site (8 respondents)

Overall Benefits

- Greater appreciation of dangers posed by terrorists.
- Better understanding of radiation hazards.
- Knowledge of how to monitor and treat radiation casualties.
- Knowledge of interactions with other incident commanders.

Greatest Strengths

- Detailed involvement and instruction for radiological emergencies.
- Practical, hands on exercises and scenarios.
- Raised awareness of the possibilities of terrorist attack.
- Material covered was suitable for basic law enforcement having little or no training in responding to terrorism.
- Knowledgeable instructors.
- Facilities and equipment for conducting exercises and simulations.

Significant Weaknesses

- Course information ranged from elementary to highly complex; should be more focused.
- Course centered on management; should focus on use of equipment.
- Chemical or biological hazards should be included.
- Course was too short; should be lengthened by 1 day.

Additional Comments

- Course did not always focus on the participants' needs or prepare

them sufficiently for dealing with radiation hazards.

Pine Bluff Arsenal (8 respondents)

Overall Benefits

- Knowledge of capabilities and limitations of existing detection equipment.
- Ability to use latest technology during a response to terrorism using weapons of mass destruction.

Greatest Strengths

- Quality of instructors.
- Presentation of strengths and weaknesses of equipment.
- Hands-on activities.
- Coverage of a broad base of information and instruments.
- Flexibility in scheduling.

Significant Weaknesses

- Course and exercises too short.
- Need more in-depth training in Draeger civil defense system.
- Instructor needed fire department/hazardous materials experience.

Additional Comments

- Good detection equipment course.
- Good train-the-trainer course, although repetitious.

Texas A&M University (16 respondents)

Overall Benefits

- Knowledge of how to approach to risk assessment in an organized manner.
- Increased awareness of site-specific concerns.
- Knowledge of how to conduct surveys, analyze vulnerabilities, and assess risks.
- Increased understanding of the terrorist mind-set.

Greatest Strengths

- Instructor knowledge, presentation, and interaction with others.

- Hands-on exercises and site surveys.
- Use of real target sites.
- Out-of-classroom exercises and preparation for presentations.
- Course was geared for all levels – from “rookie” to “seasoned vet.”
- Focus on topics not considered in previous training.
- Interaction with other jurisdictions.

Significant Weaknesses

- Course should be offered more often.
- Final exercise was “disheveled.”
- Confusion -- staff could not answer questions.
- Redundant coverage of basic hazardous materials.
- Course could be shorter if prerequisite material were provided ahead of time.

Additional Comments

- Topics covered should be mandatory for all grantees.

TYPES OF DOMESTIC PREPAREDNESS EQUIPMENT

- **Personal Protective Equipment.** Equipment that is worn to protect the individual from hazardous materials and contamination. Protection may vary and is divided into four levels based on the degree of protection afforded. Examples include: butyl hoods and gloves, encapsulated training suits, and chemical resistant boots.
- **Chemical, Biological, or Radiological Detection Equipment.** Equipment to monitor, sample, identify, and observe chemical, biological, or radiological contamination throughout the area or at specific points, and those items to support detection activities. Examples include: detection kits, chemical agent detectors and alarms, and self-reading dosimeters.
- **Chemical, Biological, or Radiological Decontamination Equipment.** Equipment and material used to clean, remediate, remove, or mitigate chemical or biological contamination. Examples include: decontamination showers, atropine auto-injectors, and oxygen masks.
- **Communications Equipment.** Equipment and systems providing connectivity and electrical interoperability between local and interagency organizations to coordinate Weapons of Mass Destruction response operations. Examples include: encrypted radios and hand-held communication systems.

APPENDIX V

OFFICE OF JUSTICE PROGRAMS RESPONSE TO THE DRAFT REPORT



U.S. Department of Justice


Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

March 27, 2002

MEMORANDUM TO: Guy K. Zimmerman
Assistant Inspector General for Audit

FROM: Deborah J. Daniels 
Assistant Attorney General

SUBJECT: Draft Audit Report on the Office of Justice Programs
State and Local Domestic Preparedness Support Grant Program

This memorandum responds to the Office of the Inspector General's (OIG's) draft audit report entitled "Office of Justice Programs State and Local Domestic Preparedness Support Grant Program." Each report recommendation is restated in bold below and is followed by our response.

Recommendation 1: We recommend the Assistant Attorney General (AAG), Office of Justice Programs (OJP), continue with current efforts to ensure that states submit applications for funds from prior appropriations, and establish controls to ensure that applications for future funding are submitted as expeditiously as possible. Controls could include application deadlines and follow-up on late submissions.

We agree with this recommendation. To ensure that future applications are submitted in a timely fashion, Office for Domestic Preparedness (ODP) is: 1) establishing application deadlines for FY 2002 and future-year funding and 2) coordinating the provision of follow-up support to territories and states who demonstrate difficulty in meeting the established application deadlines.

Recommendation 2: We recommend the AAG, OJP, establish controls to ensure grantees use available funds as quickly as possible, such as setting timeframes for spending the funds and holding grantees accountable for the delays.

We agree with the underlying concern. However, some practical difficulties create obstacles for grantees. For example, much of the equipment purchased with ODP funds is highly specialized equipment that is available in only limited supply. Manufacturers often have extensive back orders for this equipment, which delays the expenditure of funds. In addition, local procurement processes and procedures can delay the expenditure of funds.

Recognizing the challenges that jurisdictions face with respect to procurement of specialized response equipment, ODP has established alternative procurement processes through agreements with the Defense Logistics Agency and the Marine Corps Systems Command. These agreements

allow ODP grantees to purchase equipment from the agencies' GSA schedules, and may result in cost and time savings for procurement.

ODP uses a variety of methods to ensure that grant funds are expended as quickly as possible and expenditures are in compliance with program guidance, including grant monitoring efforts via telephone, e-mail, and on-site reviews. We will seek to further strengthen our monitoring efforts.

Recommendation 3: We recommend the AAG, OJP, ensure that grantees properly distribute and maintain specialized equipment, and obtain adequate training to operate it.

We agree with this recommendation. ODP has made and will continue to make every effort to provide extensive technical assistance and conduct monitoring visits to assist grantees with these issues.

ODP established the Domestic Preparedness Equipment Technical Assistance Program to provide training to ODP grantees on the use and maintenance of response equipment procured through ODP's grant programs. In FY 2002, ODP will greatly expand this program by making training available to grantees in all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories.

Recommendation 4: We recommend the AAG, OJP, remedy \$870,899 in questioned costs for equipment that was unavailable or unusable.

We agree with this recommendation. ODP has initiated contact with the grantees identified as having equipment that was unavailable or unusable. In all cases, the issues identified by the OIG have already been rectified by the jurisdiction. In fact, more than one-quarter of the equipment identified by the OIG as unavailable for use was actively used during the response to the World Trade Center attacks on September 11, 2001, and is still actively deployed. The attached chart provides the details of our response.

Recommendation 5: We recommend the AAG, OJP, ensure grantees conduct or participate in exercises to maintain their state of readiness.

We agree with this recommendation. A major component of the Three-Year Statewide Domestic Preparedness Strategies is the conduct of tailored exercises in accordance with requirements identified through the Needs Assessment process. In FY 2002, ODP will support these exercise requirements by: 1) providing grant funding for exercise initiatives through an integrated application with ODP's equipment funds; and 2) supplementing this funding through an aggressive State and Local Exercise Support Program that delivers direct exercise assistance, including exercise design, development, and conduct to state and local jurisdictions.

Recommendation 6: We recommend the AAG, OJP, develop performance standards in keeping with the intent of the GPRA for evaluating whether grant support is improving grantees' capability to respond to terrorist incidents.

We agree with this recommendation. The Three-Year Statewide Domestic Preparedness Strategies currently being submitted to ODP by all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories provide a baseline for analysis of the impact of ODP programs and services on grantees' capability to respond to terrorist incidents.

ODP is currently developing a process to update the information contained within these strategies on a continuous basis to enable ODP to evaluate the impact of its programs and services over time. ODP expects to complete the development of an evaluation process by December 2002, and anticipates the first round of evaluation results by March 2004. In addition, ODP is implementing a rigorous exercise program designed to enable jurisdictions to test their response capability through practical exercises.

We appreciate the opportunity to provide comments to the draft report. If you have any questions about this response, please feel free to contact me on (202) 307-5933, or LeToya Bryant, OJP Audit Liaison, on (202) 514-0692.

cc: Curtis Straub, Director
Office for Domestic Preparedness

Andrew Mitchell, Deputy Director
Office for Domestic Preparedness

Cynthia J. Schwimer
Comptroller

LeToya A. Bryant
OJP Audit Liaison

Vickie L. Sloan
DOJ Audit Liaison

Executive Secretariat
Control Number 20020267

Equipment Determined to be Unavailable or Unusable

Grant Recipient	Amount Questioned	Reason Equipment Unusable	OJP's Response
Dallas County, TX	\$299,728	Items not distributed to locations needing them.	At the time of the OIG's audit, the equipment was in the process of being inventoried. Once the inventory process was completed, the equipment was distributed to the appropriate Hazmat personnel.
Westchester County, NY	\$238,165	Items not distributed to locations needing them.	This equipment was used in response to the World Trade Center attack on September 11, 2001 and remains active.
Memphis, TN	\$137,487	Items not distributed to locations needing them	Currently, OJP is corresponding with the grantee to resolve this issue.
MA Emergency Management Agency, Middlesex	\$101,738	Items not distributed to locations needing them.	Training has been completed and all equipment has been deployed.
Wayne County, MI	\$55,330	Equipment missing, or staff unable to operate.	All equipment is accounted for and staff have been trained on its use.
Clark County, NV	\$32,572	Equipment missing, or staff unable to operate.	All equipment is accounted for and has been distributed.
Hillsborough County, FL	\$2,674	Equipment not delivered by vendor, or missing.	All equipment has been accounted for and has been deployed.
Detroit, MI	\$1,255	Equipment missing	Currently, OJP is corresponding with the grantee to resolve this issue.
Tarrant County, TX	\$1,132	Equipment outdated and discarded.	Limited shelf-life is expected for the equipment purchased.
Fairfax County, VA	\$746	Equipment missing.	The grantee has strengthened internal controls and implemented an inventory bar coding system.
Cobb County, GA	\$72	Equipment missing.	Currently, OJP is corresponding with the grantee to resolve this issue.

APPENDIX VI

OFFICE OF THE INSPECTOR GENERAL, AUDIT DIVISION, ANALYSIS AND SUMMARY OF ACTIONS NECESSARY TO CLOSE THE REPORT

Recommendation Number:

1. **Resolved.** This recommendation can be closed when we receive documentation to support that the Office for Domestic Preparedness (ODP) has: (1) continued its efforts to ensure that states submit applications for funds from prior appropriations and (2) established controls to ensure applications for future funding are being submitted as expeditiously as possible. The Office of the Inspector General (OIG) also acknowledges your efforts in: (1) establishing application deadlines for FY 2002 and future-year funding, and (2) coordinating the provision of follow-up support to territories and states who demonstrate difficulty in meeting the established application deadlines.
2. **Resolved.** The Assistant Attorney General, Office of Justice Programs stated in the response to the draft report that ODP has established an alternative procurement process through agreements with the Defense Logistics Agency and the Marine Corps Systems Command. However, this procurement process was already in place during the audit but was not being used extensively by grantees. This recommendation can be closed when we receive documentation to support that grantees have been informed of and encouraged to use this method, or additional methods that will ensure grantees use available funds as quickly as possible.
3. **Resolved.** This recommendation can be closed when we receive information documenting the Domestic Preparedness Equipment Technical Assistance Program and the support it provides grantees in properly distributing and maintaining specialized equipment, as well as obtaining adequate training to operate it.
4. **Resolved.** This recommendation can be closed when we receive documentation supporting that OJP has remedied the questioned costs of \$870,899 for equipment that was unavailable or unusable.

5. **Resolved.** This recommendation can be closed when we receive documentation to support that the ODP has: (1) provided grant funding for exercise initiatives and (2) developed a State and Local Exercise Support Program to ensure grantees maintain their state of readiness.
6. **Resolved.** This recommendation can be closed when we receive documentation to support that the ODP has developed performance standards for evaluating whether grant support is improving grantees' capability to respond to terrorist incidents. The OIG also acknowledges your efforts in: (1) developing a process to update information received from the Three-Year Statewide Domestic Preparedness Strategies from all 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories, and (2) implementing an exercise program designed to enable jurisdictions to test their response capability through practical exercises.